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OCT 20 2003

IN THE UNITED STATES DISTRICT COURT
LEONARD GREEN, Clerk
OF APPEALS FOR THE SIXTH
CIRCUIT COURT

CIVIL CASE NO. C-1-02-486

Dennis Pointer

VS.

JUDGE, BECKWITH,

M.J. SHERMAN,

Sgt. Lyon et. al.,

MOTION for PERMISSION TO APPEAL
IN FORMA PAUPERIS:

NOW COMES APPELLANT DENNIS
POINTER MOVING THIS HONORABLE
COURT TO GRANT APPELLANT PER-
MISSION TO APPEAL IN FORMA
PAUPERIS.

I. APPELLANT CLAIMS AN ENTITLEMENT
TO REDRESS PURSUANT TO U.S.C.A.
SECTION 1915

AN ORDER PROHIBITING PETITIONER
FROM FILING ANY FURTHER REVIEW
IS A VIOLATION OF PETITIONERS
ACCESS TO THE COURT RIGHTS
UNDER THE U.S. CONSTITUTION

03 OCT 21 AM 9:00
UNITED STATES DISTRICT COURT
SOUTHERN DIST. OHIO
WEST DIV. CINCINNATI

KENNETH J. MURPHY
CLERK
FILED

Prison inmate appealing dismissal
of pro-se civil rights com-
plaint would be granted leave
to appeal where he alleged depriva-
tions of liberty and property
which, upon further investigation
and development, could raise substi-
tutional issues (Reynoldson v. Shilling-
er, C.A. 10 (Wyo.) 1990, 907 F.2d
124) District court's preclusive
order requiring full payment of
necessary filing fee and cash
security deposit of \$100.00 before
clerk would file any further papers
submitted by particular prisoner
litigant violated provisions of
of Section 1915 Governing Pro-
ceedings *in forma pauperis* and
unduly impair prisoners constitution-
al right of access to the courts,
(IN RE: Green, 1981, 669 F.2d 779,
215 U.S. App. D.C. 393) Carter v. U.S.,
C.A. 10 (Colo.) 1984, 733, F.2d 735,
certiorari denied 105 S.Ct. 915,
469 U.S. 1161, 83 L.Ed. 2d 928)

STATEMENT OF THE ISSUES THAT THE
PARTY INTENDS TO PRESENT ON APPEAL

- I. Was Appellant Deprived of his Property
- II. Was Appellant Deprived of his Liberty
- III. Was District court Properly Authorized to ApoNT a Magistrate Judge To ~~conduct~~ CONDUCT Proceedings WITH - OUT The consent of Appellant
- IV. Did STATE have a Personal Interest in Representing The Defendant
- V. IS STATE Bound By The on Regulations That is PUT INTO EFFECT By the STATE for INMATES To follow That is Designed To Protect Their ProperT, LzberTy , AND Health AND Basic EDucATzon.

Dennis Ponte
Appellant - Pro-SE

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Case 1:02-cv-00486-SSB-JS

UNITED STATES DISTRICT COURT

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Filed 10/21/2003

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OCT 20 2003

Of Appeals
Southern District of Ohio
Western Division

03-4303

Plaintiff,

Dennis Pointer
v.

Sergeant Lyons, et al.,

Defendant(s).

AFFIDAVIT OF PRISONER

Case Number: C-1-02-486

I, Dennis Pointer

, declare that I am the

plaintiff/petitioner movant (filing 28 U.S.C. § 2255 motion)
 respondent/defendant other

in the above-entitled proceeding. I am requesting to proceed without being required to prepay the entire filing fee. In support of my request, I state that because of my poverty, I am unable to prepay the entire filing fee or give security therefor.

In further support of this request, I answer the following questions.

1. Are you presently employed?

yes no

a. If the answer is "yes" state the amount of your salary or wages per month.

\$ 16.00

b. If the answer is "no" state the date of last employment and the amount of the salary and wages per month which you received.

2. Do you have a work, program or status assignment, or other circumstance which causes you to be paid by the agency which has custody of you? See #1 "16.00 MO."

If the answer is "yes" state the amount paid or credited to you each month.

3. Have you received, within the past twelve months, any money from any of the following sources?

a. Business, profession or other form of self-employment?

yes no

b. Rent payments, interest or dividends?

yes no

c. Pensions, annuities or life insurance payments?

yes no

d. Gifts or inheritances?

yes no

e. Any other sources?

yes no

If you answered "yes" to any of the above questions, describe each source of money and state the amount received from each during the past twelve months.

4. Do you own any cash, or do you have money in checking or savings accounts?

yes no

If the answer is "yes" state the total value of the items owned?

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9 - 8 - 03

Date

Dennis Pontre
Signature of Applicant

FURTHER, I understand that:

- : Regardless of the outcome of my action, I am liable for the full fee. For example, even if the action is dismissed without service of process, the court will continue to collect installment payments from my account until the entire filing fee is paid. I further understand that I will continue to be liable for the full amount of the fee even after I am released from incarceration.

I have read the forgoing information, and I understand that if I submit this Application, the court will assess and, when funds exist, collect the full fee in the manner set forth above. I further understand that no money should be sent with this Application.

Print your name Dennis Pointer

Dennis Pointer #280-895

Signature and Prisoner #

9-18-03

Date

TO BE COMPLETED BY AUTHORIZED OFFICER OF INSTITUTION (PL) SE
ATTACH LEGIBLE CERTIFIED COPY OF INMATE'S PRISONER ACCOUNT STATEMENT FOR THE PREVIOUS SIX MONTH PERIOD):

I certify that the attached is a true and accurate copy of the inmate's prisoner account statement.

Authorized Officer of Institution